UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

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§	Civil Action No. 1:19-cv-767-
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JOINT AGREED MOTION FOR ENTRY OF AMENDED SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 16(b)(4), Defendants International Consulting & Research Group LLC, Christopher DeSimone, and Adam Oldfield (collectively, "*Defendants*") and Plaintiff BalanceCXI, Inc. dba Zacoustic ("*BalanceCXI*") (Defendants and BalanceCXI collectively the "*Parties*") jointly file this Agreed Motion for Entry of Amended Scheduling Order, and respectfully show the Court as follows:

I. BRIEF PROCEDURAL BACKGROUND

- The Court entered, on September 7, 2021, the Amended Scheduling Order
 [Dkt. # 127]. The deadlines in the current Amended Scheduling Order have not expired.
 For good cause, the Parties now jointly request an extension of these deadlines.
- 2. The Parties have conferred and jointly request that the Court enter the proposed Amended Scheduling Order, attached as **Exhibit A**.

II. REQUEST FOR EXTENSION OF DEADLINES

- 3. Pursuant to Federal Rule of Civil Procedure 16(b)(4), the Parties request an extension of these deadlines for good cause. On February 1, 2021, this Court adopted the United States Magistrate Judge's Report and Recommendation [Dkt. # 111] that the Court enter a default judgement on liability against Defendants DeSimone and Oldfield on a number of Plaintiff's claims and sanctioned Defendants DeSimone and Oldfield for attorneys' fees and expenses incurred by BalanceCXI.
- 4. The Parties are scheduled to mediate this case with Patrick Keel on **December 9, 2021**, and seek to explore a resolution of this case without burdening the Court with additional filings or incurring what may be additional expense in preparing this case for trial.
- 5. This Motion is brought in good faith and is agreed to by all of the Parties and the Parties seek this modification before the deadlines pass. The extensions of these deadlines are not sought solely for delay but so that justice may be done.

III. CONCLUSION & PRAYER

For all of these reasons, the Parties respectfully request that the Court enter the proposed Amended Scheduling Order attached as Exhibit A to the Motion, and for other relief the Court deems appropriate.

Dated: November 4, 2021.

Respectfully submitted,

/s/ St<u>eve Skarnulis (w/p)</u>

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CERTIFICATE OF SERVICE

I hereby certify that on the 4^{th} day of November, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification to all counsel of record.

/s/ Adam H. Sencenbaugh
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4868-8544-5378